

# HOUSE BILL REPORT

## SSB 6363

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### As Reported by House Committee On: Transportation

**Title:** An act relating to the enforcement of certain school or playground crosswalk violations.

**Brief Description:** Concerning the enforcement of certain school or playground crosswalk violations.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Marr, King, Haugen, Brandland, Kauffman, Delvin, Eide, Shin and McAuliffe).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/26/10, 3/1/10 [DP].

#### **Brief Summary of Substitute Bill**

- Doubles the penalty for violations related to crosswalks that occur within a school, playground, or crosswalk speed zone, and deposits 50 percent of the penalty associated with the violations into the School Zone Safety Account.
- Allows a crossing guard who is 18 years old or older to report violations related to crosswalks that occur within a school, playground, or crosswalk speed zone to law enforcement, which may investigate and issue a violation if appropriate.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 27 members: Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

**Staff:** David Munnecke (786-7315).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

School and playground speed zones, which limit traffic speed to 20 miles per hour, extend 300 feet from either side of a marked school or playground crosswalk when speed limit signs indicating the existence of the zone are clearly posted. Fines for violating the speed limit in either a school or playground speed zone are doubled and the fine may not be waived, reduced, or suspended. Half of the fines collected from school and playground speed zone penalties are required to be deposited into the School Zone Safety Account (Account). The expenditures from the Account may only be used by the Washington Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

The operator of a motor vehicle must stop to allow a pedestrian or bicyclist to cross the roadway in a marked or unmarked crosswalk when the pedestrian or bicyclist is upon or within one lane of the half of the roadway upon which the vehicle is travelling. Whenever a vehicle stops pursuant to this requirement, the driver of another vehicle approaching from the rear may not overtake and pass the vehicle. The driver of a vehicle must also exercise due care to avoid colliding with a pedestrian, and yield the right-of-way to a pedestrian or bicyclist on the sidewalk.

A school bus driver may report a school bus stop law violation to a law enforcement agency, but must do so within 72 hours after the violation occurred. The report must include the time and location of the violation, and a description of the vehicle involved in the violation, including its license plate number. Law enforcement officers must initiate an investigation of the reported school bus stop law violation within 10 working days after receiving the report. However, failure to investigate within the 10-day period does not prohibit further investigation or prosecution. The investigating officer must contact the owner of the vehicle involved in the reported violation and ask the owner to identify the driver. If the officer is able to identify the driver and has reasonable cause to believe a violation has occurred, the officer must issue a notice of traffic infraction to the driver.

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### **Summary of Bill:**

A vehicle driver who commits an infraction by failing to stop for a pedestrian or bicyclist within a crosswalk that is marked with school or playground speed zone signs receives twice the scheduled penalty for the infraction. In addition, a vehicle driver in a school or playground speed zone receives twice the scheduled penalty if the driver commits an infraction by failing to exercise due care to avoid colliding with a pedestrian or failing to yield the right-of-way to a pedestrian or bicyclist on the sidewalk. The penalties for these infractions may not be waived, reduced, or suspended. Fifty percent of the money collected from the infractions is deposited into the Account.

School districts may erect signs informing motorists of the monetary penalties assessed for the school and playground speed zone infractions related to pedestrians and bicyclists.

A crossing guard who is 18 years of age or older may report a crosswalk violation in a school, crosswalk, or playground speed zone to a law enforcement agency, but must do so within 72 hours after the violation occurred. The report must include the time and location of

the violation, and a description of the vehicle involved in the violation, including its license plate number. Law enforcement officers must initiate an investigation of the reported violation within 10 working days after receiving the report. However, failure to investigate within the 10-day period does not prohibit further investigation or prosecution. The investigating officer must contact the owner of the vehicle involved in the reported violation and ask the owner to identify the driver. If the officer is able to identify the driver and has reasonable cause to believe a violation has occurred, the officer must issue a notice of traffic infraction to the driver.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2010.

**Staff Summary of Public Testimony:**

(In support) As we encourage children to get more exercise, including walking to school, it is incumbent upon us to keep them safe while they are doing so. This bill follows the successful model of the law allowing school bus drivers to report violations of the law regarding the passing of school buses, and we should thank the school employees and crossing guards who brought this idea forward.

We are working hard in both houses on the issue of distracted driving, and the driver education that this bill represents is really the best part of the bill. Many cars used to pass school buses while students were exiting and boarding the vehicle, and the bill allowing school bus drivers to report these violations made a big difference. The crossing guards will appreciate having the same ability.

The revenue in the Account is diminishing because people are no longer speeding in school zones. This is a good thing, and hopefully this bill will have the same effect on crosswalk violations.

(Opposed) None.

**Persons Testifying:** Senator Marr, prime sponsor; Allan Jones, Office of Superintendent of Public Instruction; Doug Nelson, Public School Employees Union; and Steve Lind, Washington Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** None.